

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re: SemCrude LP et al

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Thomas L. Kivisto,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 13-1379-SLR
	:	Bankruptcy Case No. 08-11525
Cottonwood Partnership LLP et al,	:	BAP No. 13-69
	:	
Appellees.	:	
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Cottonwood Partnership LLP et al,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 13-1380-SLR
	:	Bankruptcy Case No. 08-11525
Thomas L. Kivisto,	:	BAP No. 13-70
	:	
Appellees.	:	

**RECOMMENDATION**

At Wilmington this 4<sup>th</sup> day of **September, 2013**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in these cases are presently not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the

expense of the process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), these matters be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties will not file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE